

1 THOMAS V. CHRISTOPHER
(STATE BAR NO. 185928)
2 thomas@thomaschristopherlaw.com
THE LAW OFFICES OF THOMAS V.
3 CHRISTOPHER
415 Mission Street, 37th Floor
4 San Francisco, CA 94105
Telephone: +1 415 659 1805
5
6 Attorney for Plaintiff
3taps, Inc.

ANNETTE L. HURST (STATE BAR NO. 148738)
ahurst@orrick.com
RUSSELL P. COHEN (STATE BAR NO. 213105)
rcohen@orrick.com
DANIEL JUSTICE (STATE BAR NO. 291907)
djustice@orrick.com
NATHAN SHAFFER (STATE BAR NO. 282015)
nshaffer@orrick.com
MARIA N. SOKOVA (STATE BAR NO. 323627)
msokova@orrick.com
ORRICK, HERRINGTON & SUTCLIFFE LLP
The Orrick Building
405 Howard Street
San Francisco, CA 94105-2669
Telephone: +1 415 773 5700
Facsimile: +1 415 773 5759

Attorneys for Defendant
LinkedIn Corporation

11 UNITED STATES DISTRICT COURT
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13 NORTHERN DISTRICT OF CALIFORNIA
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15 SAN FRANCISCO DIVISION

15 3taps, Inc.,
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17 Plaintiff,
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19 vs.
20 LinkedIn Corporation,
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22 Defendant.

Case No. 18-cv-00855-EMC

**STIPULATION AND [PROPOSED]
ORDER REGARDING BRIEFING
SCHEDULE FOR RESPONSE TO
SECOND AMENDED COMPLAINT**

Judge: Hon. Edward M. Chen
Trial Date: None Set
Action Filed: February 8, 2018

1 WHEREAS, Plaintiff 3taps, Inc. (“3taps”) filed a Complaint in the above-captioned action
2 against Defendant LinkedIn Corporation (“LinkedIn”) on February 08, 2018 (ECF No. 1);

3 WHEREAS on February 23, 2018, the Court ordered this action related to *hiQ Labs,*
4 *Inc. v. LinkedIn Corp.*, No. 17-cv-03301-EMC (the “hiQ Action”);

5 WHEREAS, on August 13, 2021, after the expiration of a stay pending appeal in the
6 hiQ Action, LinkedIn filed a Motion to Dismiss 3tap’s Complaint (ECF No. 51);

7 WHEREAS, on August 26, 2021, 3taps filed an Opposition to LinkedIn’s Motion to
8 Dismiss (ECF No. 53);

9 WHEREAS, on September 1, 2021, the Parties stipulated that LinkedIn would withdraw
10 its Motion to Dismiss 3taps’s Complaint without prejudice and that 3taps would file an amended
11 complaint by October 8, 2021 (ECF5 No. 54);

12 WHEREAS, on September 02, 2021, the Court granted the parties stipulation (ECF No.
13 55);

14 WHEREAS, on October 05, 2021, 3taps filed an Amended Complaint (ECF No. 59);

15 WHEREAS, on December 07, 2021, LinkedIn filed a Motion to Dismiss the Amended
16 Complaint (ECF No. 61);

17 WHEREAS, on April 7, 2022, the Court heard argument on LinkedIn’s Motion to Dismiss
18 the Amended Complaint (ECF No. 65.01);

19 WHEREAS, the Court granted LinkedIn’s motion to dismiss with leave to amend for
20 3taps to provide nonconclusory allegations as to how it has engaged in meaningful preparation to
21 conduct data scraping activity (ECF No. 67);

22 WHEREAS, 3taps filed a Second Amended Complaint under seal on May 12, 2022 (ECF
23 No. 68.01);

24 WHEREAS, 3taps served an unredacted copy of the Second Amended Complaint on May
25 13, 2022;

26 WHEREAS, the deadline for LinkedIn to file a motion to dismiss the Second Amended
27 Complaint is May 27, 2022;

28 WHEREAS the parties have met and conferred and determined a briefing schedule for

1 LinkedIn's motion to dismiss that is amendable to both parties;

2 NOW, THEREFORE, FOR GOOD CAUSE, IT IS HEREBY STIPULATED
3 AND AGREED:

- 4 1. LinkedIn shall file its motion to dismiss the Second Amended Complaint
5 by August 1, 2022.
- 6 2. 3taps shall file its opposition thereto by September 30, 2022.
- 7 3. LinkedIn shall file its reply by October 21, 2022.
- 8 4. LinkedIn shall notice the hearing on the motion for November 3, 2022.
- 9 5. Nothing in this order precludes either party from applying to the Court for
10 relief from any deadline set forth in this stipulation and proposed order.

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12 Dated: May 25, 2022

Orrick, Herrington & Sutcliffe LLP

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14 By: /s/ Annette L. Hurst
15 ANNETTE L. HURST
16 Attorneys for Defendant
17 LinkedIn Corporation

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19 Dated: May 25, 2022

The Law Offices of Thomas V. Christopher

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21 By: /s/ Thomas V. Christopher
22 THOMAS V. CHRISTOPHER
23 Attorneys for Plaintiff
24 3taps, Inc.

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3 **Filer's Attestation:** I, Annette L. Hurst, am the ECF User whose User ID and password
4 are being used to file this Stipulation. In compliance with Civil L.R. 5-1(h)(3), I hereby attest that
5 I have obtained concurrence in the filing of this document from the above-listed signatories.
6

7 By: /s/ Annette L. Hurst
8 ANNETTE L. HURST
9

10
11 **[PROPOSED] ORDER**

12 Pursuant to Stipulation, it is SO ORDERED.
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14 Dated: _____, 2022

15 THE HONORABLE EDWARD M. CHEN
16 United States District Judge
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